# FICE

AUG 2 8 2003

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Timothy GREENAMYRE, et al

Serial No.: 09/148,973

Group No.: 1627

Filed: September 4, 1998

Examiner: Maurie Garcia BAKER

For: METHODS OF ADMINISTERING AN AMPA RECEPTOR ANTAGONIST TO TREAT

DYSKINESIAS ASSOCIATED WITH DOPAMINE AGONIST THERAPY

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

# NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice

of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct,

10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 25, 2003, finally rejecting claims 1-3 and 5-7

The item(s) checked below are appropriate:

#### CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## **MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: <u>August 25, 2003</u>

**FACSIMILE** 

☐ r transmitted by facsimile to the Patent and Trademark

Office.

JULIAN H. COHEN

(type or print name of person certifying

nyn muskorfu gaasatuu **osi48973** 

320.00 CR

(Notice of Appeal from the Primary Examiner to Board—page 1 of 4) 9-6

AUG 2	1.5 STATU	S OF APPLI	
	[X ]		ın a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

[ ] was already filed on

A statement:

[ ] is attached.

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

[ ] small entity
[X] other than a small entity

\$160.00

\$320.00

Notice of Appeal fee due \$320

### 3. EXTENSION OF TERM

NOTE: 37 C.F.R. § 1.704(b)"... an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

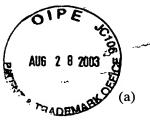
(a) [X ] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
[ ] one month [ ] two months [ X ] three months [ ] four months	\$ 110.00 \$ 410.00 \$ 930.00 \$1,450.00	\$ 55.00 \$205.00 \$465.00 \$725.00

Fee \$ \_\_520\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)



103 <sup>- 1</sup>					
BKS	(a)	[X] An extension for months has already been secured, and the fee paid therefor of \$\frac{410}{\text{ is deducted from the total fee due for the total months of extension now requested.}			
		Extension fee due with this request \$520			
		or .			
	(b)	[ ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.			
		1.			
4.	TC	OTAL FEE DUE			
Th	e tot	tal fee due is:			
	No	otice of Appeal fee \$ _320			
	Extension fee (if any) \$ 520				
		TOTAL FEE DUE \$ 840			
5.	[ X [ ]	E PAYMENT  [ Attached is a check in the sum of \$840  Charge Account No the sum of \$  duplicate of this transmittal is attached.			
		·			
6.	FE	E DEFICIENCY			
NO	OTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cove the additional time consumed in making up the original deficiency. If the maximum, six-month period has expire before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in orde to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.				
	×	If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 12-0425.			
		AND/OR			
	⊠	If any additional fee for claims is required, charge Account No. 12-0425.			

Allun Sther Reg 20302 for Cliffed Mass

SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS
(type or print name of practitioner)

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